Amendment
Serial No. 10/625,094

Docket 5000-1-428

REMARKS

Reconsideration of all grounds of rejection in the Office Action based upon the above amendments, and allowance of all of the pending claims are respectfully requested in light of the following remarks.

Claims 1-25 are rejected. Claim 1, 4, 15, 18 and 23 have been amended. Dependent claims 5-6 have been canceled. Claims 1-25 are now pending of which 1, 4, 15 and 18 are independent claims.

Claim 23 stands rejection under 35 USC § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter of the present invention. In response, applicants have amended dependent claim 23 to reflect proper dependency.

Applicants wish to thank the Examiner for indicating that Claim 6 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

In response, applicants have incorporated dependent claims 5-6 into base claims, 1, 4, 15 and 18. No new matter was added.

Claims 1, 2, 4, 5, 7-9, 13, 15, 18, 19, 21, 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants admitted prior art (AAPA) in view of Kawate et al. (2002/0030865) and Allan et al (US 5,946,313).

In response, applicants note that the pending rejection to the base claims are now moot in light of the amendments to the base claims which incorporate allowable claims 5-6 into all four base claims.

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Accordingly, applicants admitted prior art (AAPA) in view of Kawate et al. (2002/0030865) and Allan et al. (US 5,946,313) fail to suggest of teach a notification field in a Ethernet OAM frame for receives switching information in a data frame using a flag bit adapted to transmit asynchronous information of said signaling Ethernet OAM frame between said OLT and said ONUs, and transmit the data frame including said asynchronous information; wherein said Ethernet OAM frame further includes; a CE field generated when an undefined fault is detected; a R/S field generated when a local data terminal equipment (STE) detected differs from expectation; a L/S field generated when a remote DTE detected differs from expectation; an LF (Link Fault) field generated when there is an error in a reception end; and a DG (Dying Gasp) field generated when there is a non-recovery error in the reception as recited in base claims 1, 4, 15 and a method of providing the same in claim 18.

Therefore, applicants request withdrawal of this ground of rejection.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

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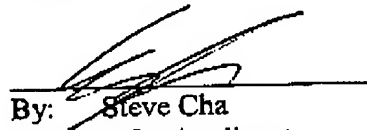Amendment   Docket 5000-1-428
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For all the foregoing reasons, it is respectfully submitted that all the present

claims are patentable in view of the cited reference. A notice of Allowance is

respectfully requested.

Should the Examiner deem that there are any issues, which may be best, resolved

by telephone communication, please contact Applicant's undersigned Attorney at the

number listed below.

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Respectfully submitted,

Steve Cha
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By: Steve Cha
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Date: May 21, 2007

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